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Approved by:

Holly Higgins
U.S. Embassy

Prepared by:

A. Govindan

Report Highlights:

Updated on July 30, 2008. *All sections updated.* * Food Safety Standards Act implementation in progress.* *Final Gazette notification issued on wax coating of fresh fruits, subject to labeling.* *Implementation of nutritional labeling of packaged food postponed.*

Includes PSD Changes: No
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ACRONYMS

CIB	Central Insecticides Board
CBEC	Central Board of Excise and Customs
DAHD	Department of Animal Husbandry, Dairying, and Fisheries
DC	Department of Commerce
DCA	Department of Consumer Affairs
DGFT	Director General of Foreign Trade
DH	Department of Health
FSSA	Food Safety and Standards Authority
GEAC	Genetic Engineering Approval Committee
GOI	Government of India
MA	Ministry of Agriculture
MCAFPD	Ministry of Consumer Affairs, Food, and Public Distribution
MCI	Ministry of Commerce and Industries
MEF	Ministry of Environment and Forest
MFPI	Ministry of Food Processing Industries
MHFW	Ministry of Health and Family Welfare
PFA	Prevention of Food Adulteration Act
RC	Pesticide Registration Committee

This report was prepared by the Office of Agricultural Affairs of the USDA/Foreign Agricultural Service in New Delhi, India, for US exporters of domestic food and agricultural products. While every possible care was taken in the preparation of this report, information provided may not be completely accurate either because policies have changes since its preparations, or because clear and consistent information about these policies was not available. It is highly recommended that U.S. exporters verify the full set of import requirements with their foreign customers, who are normally best equipped to research such matters with local authorities, before any goods are shipped. **FINAL IMPORT APPROVAL OF ANY PRODUCT IS SUBJECT TO THE IMPORTING COUNTRY'S RULES AND REGULATIONS AS INTERPRETED BY BORDER OFFICIALS AT THE TIME OF PRODUCT ENTRY.**

I. FOOD LAWS

Currently, there are more than twenty Indian laws relating to food, some of which overlap and are administered by a number of different Ministries and Departments. Many of the laws were drafted soon after Independence under conditions very different from today, when India was at an early stage of ensuring food self sufficiency and the local food industry was at a nascent stage. The focus of these food laws is one or more of the following: (a) prevent food adulteration; (b) regulate hygienic conditions of processing/manufacturing; (c) protect the domestic agriculture and livestock sector from pests and diseases; (d) inform consumers about the products they eat (such as vegetarian or non-vegetarian, maximum price to pay, etc.); (e) provide product specifications.

Major existing food laws are equally applicable to imported food products. Implementation of food laws is constrained by lack of capacity and infrastructure. The Government of India (GOI) is in the process of implementing the Food Safety Standards Act, 2006, a single statute in place of the existing multiplicity of food laws and to establish a single regulatory agency in place of many regulatory agencies.

Major food laws are:

- **Prevention of Food Adulteration Act (PFA) of 1954 and the PFA Rules of 1955 (Ministry of Health and Family Welfare)**

The law meant to protect India against impure, unsafe, and fraudulently labeled foods is the **Prevention of Food Adulteration Act (PFA) of 1954, with the PFA Rules of 1955**, as amended from time to time. This is the most important food law in the country. PFA standards and regulations are meant to apply equally to domestic and imported products. The PFA covers various aspects of food processing and distribution, such as food color, preservatives, pesticide residues, packaging and labeling, and regulation of sales. **The PFA Act and Rules and recent notifications are available at:** <http://mohfw.nic.in/pfa.htm>. The law is enforced by the **Director General of Health Services, Department of Health (DH), Ministry of Health and Family Welfare (MHFW), Government of India (GOI)**, which is somewhat akin to the Food and Drug Administration (FDA) of the United States.

The PFA focuses primarily on the establishment of regulatory standards for food products that constitute the bulk of the Indian diet. The PFA does not always keep pace with

advances in the food processing sector. Moreover, PFA rules sometimes appear to be drafted in a manner that goes beyond the mere establishment of minimum product quality specifications, by prescribing recipes for how food products are to be manufactured. Concerned parties may appeal to have the PFA Rules amended. The Central Committee for Food Standards, chaired by the Director General of Health Services, is the PFA decision-making entity. The appeals process for inclusion of new additives, change of standards, etc., is via the Department of Health, Ministry of Health and Family Welfare, and can take up to two years. All imported products must adhere to the rules as specified in the regulation, including the labeling and marking requirements. Enforcement of the PFA is left to the state governments.

- **The Standards of Weights and Measures Act, 1976, and the Standards of Weights and Measures (Packaged Commodities) Rule, 1977 (Ministry of Consumer Affairs, Food, and Public Distribution)**

These legislative measures are designed to establish fair trade practices with respect to packaged commodities. The rules aim to ensure that vital information about the nature of the commodity, the name and address of the manufacturer, the net quantity, date of manufacture, and maximum sale price are provided on the label. There may be additional labeling requirements for food items covered under the PFA. The Department of Consumer Affairs, located within the Ministry of Consumer Affairs, Food, and Public Distribution, is the regulatory authority. The entire text of the **Standards of Weights and Measures Act, 1976, and the Standards of Weights and Measures (Packaged Commodities) Rule, 1977**, and related notifications, can be accessed from:

www.fcamin.nic.in/Events/EventDetails.asp?EventId=1296&Section=Weight%20and%20Measures&ParentID=0&child_continue=1&child_check=0

Importers of packaged food products must adhere to these acts, including labeling the product. The name and address of the importer, the net quantity, date of manufacture, best-before date, and maximum sales price must be included on the label.

- **The Fruit Products Order, 1955 (Ministry of Food Processing Industries)**

The fruit and vegetable processing sector is regulated by the Fruit Products Order, 1955 (FPO), which is administered by the Ministry of Food Processing Industries. The FPO contains specifications and quality control requirements regarding the production and marketing of processed fruits and vegetables, sweetened aerated water, vinegar, and synthetic syrups. All units that process these products are required to obtain a license under the FPO, and periodic inspections are carried out. Processed fruit and vegetable products imported into India must meet the FPO standards. The FPO can be accessed from:

<http://mofpi.nic.in/fpoact.pdf>.

- **Meat Food Products Order, 1992 (Ministry of Food Processing Industries)**

This order administers the sanitary and hygienic standards of slaughterhouses and sets the permissible quantity of heavy metals, preservatives, and insecticide residues for meat products. The Ministry of Food Processing Industries is the regulatory authority. This order is equally applicable to domestic processors and importers of meat products. However, its implementation is uneven, due to unorganized production in the domestic market. For details, see: <http://mofpi.nic.in/mfpo1973.pdf>

- **Livestock Importation Act, 1898**
(Ministry of Agriculture)

Under the Livestock Importation Act, 1898, the government established procedures for the importation of livestock and related products to India, which are implemented by the Department of Animal Husbandry, Dairying, and Fisheries, Ministry of Agriculture (MA). These procedures are available at: <http://dahd.nic.in/order/livestockimport.doc>

- **Milk and Milk Products Order, 1992**
(Ministry of Agriculture)

This order regulates the production, distribution, and supply of milk products; establishes sanitary requirements for dairies, machinery, and premises; and sets quality control standards for milk and milk products. Standards specified in the order also apply to imported products. The Department of Animal Husbandry, Dairying and Fisheries, Ministry of Agriculture, is the regulatory authority. For details see: <http://dahd.nic.in/order/mmpo.doc>

- **Plant Quarantine (Regulation of Import into India) Order, 2003**
(Ministry of Agriculture)

The GOI formulated the Plant Quarantine (Regulation of Import into India) Order, 2003, under the Destructive Insects and Pests Act, 1914. It was published on November 18, 2003, with "...the purpose of prohibiting and regulating the imports into India of agricultural articles..." and became effective January 1, 2004. The implementing agency is the Directorate of Plant Protection, Quarantine, and Storage, under the Department of Agriculture and Cooperation, MA. This Order, along with several subsequent amendments, is available at: www.plantquarantineindia.org/PQO_amendments.htm

- **The Food Safety and Standards Act, 2006**
(Ministry of Health and Family Welfare)

On August 24, 2006, the Indian government notified, in the official gazette, the "Food Safety and Standards Act, 2006," after the President signed it into law following its passage by both Houses of Parliament. The main objective of the legislation is to bring about a single statute relating to food safety in place of the existing multiplicity of food laws and to establish a Food Safety and Standards Authority [Food Authority] with a view to: a) lay down food standards, b) effectively regulate the manufacture, import, storage, distribution and sale of food to ensure consumer safety and promote global trade, c) pool infrastructure, manpower, testing facilities, and d) rationalize and strengthen the existing enforcement mechanism. The administrative control of this Authority will be with the Ministry of Health and Family Welfare. The implementation of the Act is in progress although it is not yet clear exactly when it would come into force. The GOI appointed the Chairperson and the Chief Executive Officer of the Authority in mid-2008. Once the new Food Safety Act comes into effect, the following food laws would be rescinded:

- Prevention of Food Adulteration Act
- Milk and Milks Products Order
- Fruit Products Order
- Meat Products Order

The full text of the legislation is available at:
www.mohfw.nic.in/Food%20Safety%20Standard%20Act.pdf

For additional details on the Food Safety Standards Act, 2006, please refer to IN7033.

II. LABELING REQUIREMENTS

(Ministry of Health & Family Welfare; Ministry of Consumer Affairs, Food and Public Distribution; Ministry of Commerce)

A. General Requirements: **Part VII of the PFA Rules, 1955, and the Standards of Weights and Measures (Packaged Commodities) Rules, 1977**, as amended, establish labeling requirements for all packaged foods. In general, the label should provide the following information:

- Name, trade name, or description of product
- Name of ingredients used in the product, in descending order of their composition by weight or volume
- Name and complete address of manufacturer, packer, importer, or vendor, and country of origin of the imported food (including if the food article is manufactured outside India and packed in India)
- Net weight, number, or volume of contents
- Distinctive batch, lot, or code number
- Month and year the product was manufactured or packed
- Month and year by which the product is best consumed
- Maximum retail price (MRP)

Where applicable, the product label should also contain the following:

- The purpose of irradiation and license number, in case of irradiated food
- Extraneous addition of coloring matter
- Non-vegetarian food (any food which contains whole or part of any animal including birds, marine animals, eggs, or products of any animal origin as an ingredient, excluding milk or milk products), must have a symbol of a brown color-filled circle inside a square with a brown outline prominently displayed on the package, contrasting against the background on the principal display panel, in close proximity to the name or brand name of the food.
- Vegetarian food must have a symbol of a green color-filled circle inside a square with a green outline prominently displayed on the package, contrasting against the background on the principal display panel, in close proximity to name or brand name of the food.

There are special labeling requirements for certain packaged food items, such as infant foods, condensed milk, milk powder, blended vegetable oils, etc. For details see Section 42, Part VII of the PFA Rules updated on October 1, 2004, (www.mohfw.nic.in/pfa%20acts%20and%20rules.pdf), and any subsequent notifications.

In the case of imported packaged food, all declarations must be: 1) printed on a label securely affixed to the package or; 2) made on an additional wrapper containing the imported package or; 3) printed on the package itself or; 4) made on a card or tape affixed firmly to the package or container and bearing the required information. Labels must be printed in English or Hindi (*Devanagari* script). The responsibility for labeling lies with the importer, and should be done before products are presented for customs clearance. Products exhibiting only the standard U.S. label will not be allowed to enter.

Per Notification No. 44 (RE-2000)/1997-2002, issued by the Department of Commerce (DC), Ministry of Commerce and Industry, on November 24, 2000, all packaged commodities, including packaged food, imported into India should also carry the following declarations:

- Name and address of the importer.
- Generic or common name of the commodity packed.
- Net quantity using standard units of weights and measures. If the net quantity of the imported package is given in any other unit, its equivalent terms of standard units shall be declared by the importer.
- Month and year in which the commodity was manufactured, packed, or imported.
- The maximum retail price at which the commodity in packaged form may be sold to the ultimate consumer. This price shall include all taxes, local or otherwise, freight, transport charges, commission payable to dealers, and all charges towards advertising, delivery, packing, forwarding, and the like.

The full notification is available at:

<http://dgftcom.nic.in/exim/2000/not/not00/not4400.htm>

Shelf Life: Notification No. 22 (RE-2001) 1997-2002, dated July 30, 2001, issued by the Department of Commerce, Ministry of Commerce and Industry, states:

"Imports of all such edible/food products, domestic sale and manufacture of which are governed by the PFA shall also be subject to the condition that, *at the time of importation* [emphasis added], these products are having a valid shelf life of not less than 60 percent of its original shelf life. Shelf life of the product is to be calculated, based on the declaration given on the label of the product, regarding the date of manufacture and the due date of expiry." <http://dgftcom.nic.in/exim/2000/not/not01/not2201.htm>

Per notification G.S.R. 388 (E), issued by the DH, MHFW, on June 25, 2004, under the PFA, every package of food which contains permitted artificial sweetener shall carry the label "CONTAINS ARTIFICIAL SWEETENER AND FOR CALORIE CONSCIOUS," along with the name or trade name of the product. ([www.mohfw.nic.in/GSR%20388\(E\).pdf](http://www.mohfw.nic.in/GSR%20388(E).pdf))

Per notification G.S.R. 339 (E), dated May 27, 2005, issued by the DH, MHFW, under the PFA, "No containers or label relating to infant milk substitute or infant food shall have a picture of infant or women or both. It shall not have picture or other graphic materials of phrases designed to increase the salability of the infant milk substitute or infant food. The terms "humanized" or "maternalized" or any other similar words shall not be used. The package and/or any other label of infant milk substitute or infant food shall not exhibit words, "Full Protein Food," "Energy Food," "Complete Food," or "Health Food," or any other similar expressions." (www.mohfw.nic.in/F33927052005.pdf)

On March 10, 2006, the DH, MHFW, issued a draft Gazette notification proposing an amendment to the PFA Rules, regarding the **labeling of foods derived from biotechnology**. This amendment has not yet been implemented and remains in the draft form. The full notification is available at: www.mohfw.nic.in/152.pdf.

On February 28, 2008, the DH, MHFW, issued the final notification of the Prevention of Food Adulteration (Amendment) Rules of 2008, **pertaining to wax coating of fruits**. Accordingly, fresh fruits may be coated with bees wax, carnauba wax or shellac wax, and the name of the wax must be labeled on the package (See: www.mohfw.nic.in/GSR%20114_E_.pdf)

On July 17, 2006, the DCA, MCAFPD, released an official gazette notification 'Standards of Weights and Measures (Packaged Commodities) Amendment Rules, 2006'. Most of the amendment rules were implemented on January 14, 2007. However, amendments to Rule 2 (i), Rule 11 and Rule 23 (A), which pertains to the maximum permissible limits of error for

measurement of quantity, general provisions relating to **the declaration of quantity and weighing facility norms at the point of retail sales**, came into effect on May 1, 2008.

The text details of the notification can be assessed at:

www.fcamin.nic.in/Events/EventDetails.asp?EventId=1532&Section=Weight%20and%20Measures&ParentID=0&child_continue=1&child_check=0

Additionally, an updated version of the Standards of Weights and Measures (Packaged Commodities) Rule, 1977 including the gazette notification amendment (dated July 17, 2006) can be seen at:

www.fcamin.nic.in/Events/EventDetails.asp?EventId=1721&Section=Weight%20and%20Measures&ParentID=0&Parent=1&check=0

B. Requirements Specific to Nutritional Labeling

Implied nutritional and health claims are allowed on food products, and there currently are no statutory nutritional requirements. Manufactured and imported food claiming to be enriched with nutrients such as minerals, proteins, or vitamins, should indicate quantities of such added nutrients on the label. Although there is no official position on implied health claims, such claims should be able to withstand verification by a court of law, if challenged.

However, on August 21, 2006, the DH, MHFW, issued a final Gazette of India notification proposing **nutritional labeling on packaged food** under the PFA. Although these rules should have become effective August 20, 2007, following representation by some stakeholders its implementation was delayed. On May 15, 2008, the DH issued a new draft Gazette notification under the Prevention of Food Adulteration Act (PFA), proposing an amendment to the August 21, 2006, final Gazette notification, incorporating some additional changes. The implementation of these rules will take place upon its final publication in the Gazette. Proposed major changes are:

Every package of food is required to have the following additional **nutritional** information on its label:

- The name of the food
 - The name, trade name, or description of food contained in the package.
- List of ingredients
 - The names of ingredients used in the product in descending order of their composition by weight or volume, as the case may be.
 - The complete nutritional information (energy value, protein, carbohydrates, fat, type of fatty acids, vitamins, minerals).
- Special requirements for irradiated food.
- Country of origin for imported food.
- Instructions for use.
- Additional provisions for proprietary foods.

The full notifications are available at: www.mohfw.nic.in/Noti%20491.pdf & www.mohfw.nic.in/Noti%20380.pdf

III. PACKAGING AND CONTAINER REQUIREMENTS

All weights or measures are to be reported in metric units.

Certain commodities can only be packed in specified quantities (weight, measure, or number). These include baby food, biscuits, bread, butter, coffee, tea, vegetable oils, milk

powder, and wheat and rice flour. The use of materials such as Polyvinyl Chloride (PVC) is not allowed for packaging in most cities, due to environmental concerns and waste disposal problems.

In order to ensure availability of safe and high quality edible oils in packed form at pre-determined prices to consumers, on September 17, 1998, the MCAFPD promulgated an **Edible Oil Packaging (Regulation) Order, 1998**, under the Essential Commodities Act, 1955, to make packaging of edible oils, sold in retail, compulsory, unless specifically exempted by State governments.

IV. FOOD ADDITIVE REGULATIONS

(Department of Health, Ministry of Health and Family Welfare)

Information regarding permitted coloring matter, preservatives, etc. is provided in various sections of the PFA Rules, 1955, as amended, which are listed below:

Coloring Matter	Part VI
Preservatives	Part X
Poisonous metal	Part XI
Crop contaminants and naturally occurring toxic substances	Part XIA
Anti-Oxidants, Emulsifying, Stabilizing, and anti-caking agents	Part XII
Flavoring agents and related Substances	Part XIII
Carry over of food additives	Part XIIIA
Sequestering and buffering agents	Part XVI
Antibiotic and other pharmacologically active substances	Part XVIII
Food Additives 1/	Part XIX

1/ Per Gazette notification G.S.R. 388 (E), dated June 25, 2004, ([www.mohfw.nic.in/GSR%20388\(E\).pdf](http://www.mohfw.nic.in/GSR%20388(E).pdf))

On December 1, 2004, the DH issued a final Gazette notification that lists permitted food additives in fish and fish products and microbiological requirements of seafood. See [www.mohfw.nic.in/GSR821\(E\)21102004.pdf](http://www.mohfw.nic.in/GSR821(E)21102004.pdf).

On March 21, 2005, the DH issued a final Gazette notification under the PFA Act that pertains to the use of additives in sugar, salt, cocoa powder, chocolate, sugar boiled confectionary, and chewing gum. See www.mohfw.nic.in/F18421032005.pdf.

On March 21, 2005, the DH issued a final Gazette notification under the PFA Act that provided a list of permitted food additives and microbiological requirements of thermally-processed fruits, fruit cocktails, vegetable soups, fruit juices, fruit vegetable cereal flakes, squashes, tomato ketchup, tomato sauces, soy sauces, jams, jellies, etc. See www.mohfw.nic.in/F18521032005.pdf.

On June 23, 2006, the DH issued the final Gazette notification to amend the PFA rules pertaining to the use of additives in biscuits, breads, and confectionary items. Among other things, the amendment contains a maximum limit of oligofructose (dietary fibers) up to 15 percent, and a dietary fiber labeling requirement for biscuits, breads, and cakes. The full notification can be accessed at: www.mohfw.nic.in/Noti%20400.pdf

On October 31, 2006, the DH issued the final Gazette notification to amend the PFA Rules, pertaining to the use of acesulfame potassium, sucralose, di-sodium 5 – Inosinate, and sodium hexa meta phosphate in certain processed food products. The full notification can be accessed at: www.mohfw.nic.in/Noti%20679.pdf

On July 2, 2007, the DH issued the final Gazette notification establishing the maximum limit on mono and diglycerides in ready-to-drink products at 0.4 gram in 100 ml. The notification can be accessed at: www.mohfw.nic.in/Noti%20458.pdf

V. PESTICIDES AND OTHER CONTAMINANTS

(Department of Health, Ministry of Health and Family Welfare)

The Ministry of Agriculture regulates the manufacture, sale, import, export and use of pesticides through the 'Insecticide Act, 1968' (http://cibrc.nic.in/insecticides_act.htm) and the rules framed under the Act (http://cibrc.nic.in/insecticides_rules.htm). The Central Insecticide Board (CIB) constituted under Section 4 of the Act advises the central and state government on technical matters. The Registration Committee (RC) constituted under Section 5 of the Act approves the use of pesticides and new formulations to tackle pest problems in various crops. While the RC registers pesticides for their usage, the **MRLs** in food commodities are prescribed by the Ministry of Health and Family Welfare under the PFA and rules framed under the Act. An MRL is established taking into account the toxicological data of the pesticide as well as that of the residues on crops under Good Agricultural Practices (GAP).

Of the about 210 pesticides registered (http://cibrc.nic.in/reg_products.htm) for regular use in India, 143 MRLs have been notified by the DH (See: www.mohfw.nic.in/pfa%20acts%20and%20rules.pdf, Part XIV pages 163-177; www.mohfw.nic.in/Noti%20633.pdf, and www.mohfw.nic.in/Noti%20367.pdf). There are 27 'deemed to be registered' pesticides, which were already in use when the Insecticide Act was enacted and therefore do not require MRLs (some of these pesticides have already been phased out). According to official sources, MRLs have been established for most other registered pesticides, although not all were notified in the Gazette.

Lists of pesticides/pesticide formulations whose import and use are banned, refused registration, or have restricted use in India are available at: http://cibrc.nic.in/list_pest_bann.htm

CODEX Alimentarius MRLs may be accepted for imported foodstuffs only for those pesticides not included in India's own positive list of pesticides. The Ministry of Agriculture has taken a decision to discontinue the practice of registering a pesticide by the Pesticide Registration Committee, if no MRLs are established.

For additional information about approved pesticides and the procedure for registration of new pesticides please refer the Central Insecticide Board and Registration Committee website: <http://cibrc.nic.in/>

On July 20, 2006, the DH issued a final Gazette notification under the PFA, proposing revised tolerance levels for various pesticides and Deoxynivalenol (DON) on imported wheat, which would remain valid until March 31, 2007, which through subsequent amendments was extended to December 31, 2008. The Gazette Notification is available at: www.mohfw.nic.in/Noti%20435.pdf

VI. OTHER REGULATIONS AND REQUIREMENTS

All imported foods are randomly sampled at the port of entry for their conformity to PFA standards, and other food laws. On June 16, 2004, the Ministry of Commerce and Industry published a list of **“high risk” food items, imports of which are subject to 100 percent sampling**. This list includes edible oils and fats, pulses and pulse products, cereal and cereal products, milk powder, condensed milk, food colors, and food additives, among other items.

Instructions regarding sampling and the clearance of consignments of food articles at ports are available from the following official notifications:

<http://164.100.9.245/exim/2000/cir/cir03/cir3703.htm>

<http://164.100.9.245/exim/2000/cir/cir03/cir2503.htm>

<http://www.cbec.gov.in/customs/cs-circulars/cs-circulars01/58-2001-cus.htm>

<http://www.cbec.gov.in/customs/cs-circulars/cs-circulars01/36-2001-cus.htm>

<http://164.100.9.245/exim/2000/not/not01/not0300.htm>

www.cbec.gov.in/customs/cs-circulars/cs-circulars00/103-2000-cus.htm

There is no requirement to register products. Export certification requirements for imports of food products in India are summarized in FAIRS Export Certificate Report 2007 (IN7090).

The import of product samples via express mail or parcel post (such as FedEx, UPS, DHL, etc.) is allowed, contingent on obtaining prior permission from the Directorate General of Foreign Trade. (See: www.cbec.gov.in/js-menu/import-courier.htm). Mail order imports are not allowed. Contact information to arrange sample shipments is provided in Appendix I. Once the products enter the domestic market, they are to be monitored randomly at the retail and wholesale level by the respective regulatory authorities.

The **Genetic Engineering Approval Committee (GEAC)** under the **Ministry of Environment and Forests** is the decision-making authority on **biotechnology product rules, including imports**. Food ingredients and additives containing bioengineered organisms cannot be produced, used, or imported without the approval of the GEAC. All such approvals, if granted, are for a specific period not exceeding four years at the first instance, and are renewable for two years at a time, subject to terms and conditions. For additional details on genetically modified foods and ingredients, please refer to GAIN Report IN8077.

The Annual Supplement to the Indian government's Foreign Trade Policy (2004-2009) announced by the Commerce and Industry Minister on April 7, 2006, calls for **approval from the GEAC for imports of biotech food, food additives, or any food product that contains biotech material** that is being used for industrial production, environmental release, or field application. Also, **import consignments containing biotech products should carry a self declaration that the product is bioengineered, without which the importer is subject to penal action under the Foreign Trade (Development and Regulation) Act, 1992**. (See <http://164.100.9.245/exim/2000/not/not06/not0206.htm>). This rule became effective July 8, 2006. However, concerns about high domestic vegetable oil prices forced the government to give a special exemption to commercial imports of soybean oil derived from biotech soybeans for imports until December 31, 2007. On June 22, 2007, the GEAC gave permanent approval for imports of soybean oil derived from biotech soybeans for consumption after refining.

On July 6, 2006, the DH issued a draft Gazette notification under the PFA, proposing food recall procedures (see GAIN report IN6055). The Draft Indian Notification is available at: www.mohfw.nic.in/Noti%20355.pdf. These procedures have not yet been implemented.

On May 22, 2007, the Department of Health, Ministry of Health and Family Welfare, Government of India (GOI) issued a draft Gazette notification under the Prevention of Food Adulteration Act (PFA), proposing a permitted irradiation dose for various food items. See www.mohfw.nic.in/Noti%20368.pdf

VII. OTHER SPECIFIC STANDARDS

The PFA Rules, 1955 (Appendix B), and the Fruit Products Order, 1955, as amended, contain definitions and specific quality standards for certain food products, such as processed cheese, ice cream, spice mixes, milk and milk products, infant food, vegetable oils and margarine, fruits and vegetable products, and basic food items like wheat, rice, and pulses. Imported products must also meet the specified quality standards.

The Department of Commerce Notification No. 44 (RE-2000)/1997-2002, dated November 24, 2000, requires imports of certain products, including some food products (milk powder, condensed milk, infant milk foods, milk-cereal based weaning foods) and food additives, to comply with mandatory Indian quality standards. All manufacturers and exporters whose products are sold in India are required **to register with the Bureau of Indian Standards**. See <http://dgftcom.nic.in/exim/2000/not/not00/not4400.htm>

On March 21, 2005, the DH issued a final Gazette notification under the PFA, which establishes new standards for raisins, pistachios, and dry fruits and nuts (including almonds). See www.mohfw.nic.in/F18521032005.pdf.

On June 27, 2005, the DH issued a final Gazette notification, pertaining to the **standards of dairy products and to the use of food additives in these milk products**. By this amendment, standards of various milk products, cheese, ice cream, milk powder, etc., and the use of food additives in these products were established. It also establishes **microbiological parameters**, per Codex Alimentarius Commission guidelines. The notification can be accessed at: www.mohfw.nic.in/GSR356.pdf.

On December 21, 2005, the DH issued a final Gazette notification under the PFA, which establishes **new or revised standards for several vegetable oils**. The link to the final Gazette notification is: www.mohfw.nic.in/731.pdf.

On January 6, 2006, the DH issued a final Gazette announcement under the PFA, which has not yet been implemented but which establishes **new standards for various spices**. The link to the Final Gazette Notification is: www.mohfw.nic.in/8.pdf.

On May 9, 2006, the DH issued a final Gazette notification under the PFA, which establishes **new standards for tea**. The Link to the Gazette notification is: www.mohfw.nic.in/Noti%20277.pdf.

On July 3, 2006, the DH issued a final Gazette notification establishing standards for **infant milk food and infant formula**, etc. and laying **out special labeling requirements** for these products. The link to the Gazette notification is: www.mohfw.nic.in/Noti%20398.pdf

VIII. COPYRIGHT AND/OR TRADEMARK LAWS

The Indian Copyright Act of 1957 is based on the Bern Convention on Copyrights, to which India is a party. May 1995 and December 1999 amendments increased protection and introduced stiff mandatory penalties for copyright infringement. On paper, Indian copyright law is now on par with the most modern laws in the world. Trademarks are protected under the Trade Marks Act, 1999 and the Trade Marks Rules, 2002 (in force since September 2003), which repealed the Trade Mark and Merchandise Marks Act, 1958. The changes introduced by the Act include: protection to well known marks, as well as service and collective marks; extension of the period of protection from seven to ten years; establishment of an Appellate Board; and increased penalties for infringement of trade marks. Enforcement of intellectual property rights has been weak, but the situation is slowly improving, as the courts and police respond to domestic concerns about the high cost of piracy to Indian rights-holders.

Foreign firms can register their **trademarks** through a local agent by applying at the office of Registrar of Trademarks (www.ipindia.nic.in). However, it may take up to three to five years for the trademark to be officially accepted and notified.

In order to protect the **intellectual property of imported products**, the Central Board of Excise & Customs, Ministry of Finance, has issued a notification, namely the Intellectual Property Rights (Imported Goods) Enforcement Rules, 2007 (www.cbec.gov.in/customs/cs-act/notifications/notfns-2k7/csnt47-2k7.htm & www.cbec.gov.in/customs/cs-act/notifications/notfns-2k7/csnt49-2k7.htm). Instructions regarding the implementation of the Rules are available at: <http://www.cbec.gov.in/customs/cs-circulars/cs-circulars07/circ41-2k7-cus.htm>

IX. IMPORT PROCEDURES

Documentation: Importers must furnish an import declaration in the prescribed Bill of Entry format, disclosing the value of the imported goods. This must be accompanied by any import license and phytosanitary certificate (in the case of agricultural commodities), along with documentation such as sales invoices and freight and insurance certificates. There is no need to translate the import documents into the local language as English is an official language. All consignments are required to be inspected prior to clearance. In the current customs set-up, appointing a clearing agent avoids delays.

The clearance of imported food products at the port of entry requires a certification from the port health authority that the product conforms to the standards and regulations of the PFA. However, certification is based mostly on visual inspection and records of past imports, as most ports have limited testing facilities. Consequently, importers of new products can sometimes face delays in clearing their products. The custom clearance period may range from one day and one month, depending on the product and experience of the importer. In case of a dispute or rejection of the consignment, the importer can file an appeal at the Customs office at the port of entry.

Additional information on exporting food products to India is available in the "Exporter Guide" (GAIN Report #IN7095), which can be accessed via the FAS homepage.

APPENDIX I. REGULATORY AGENCY CONTACTS**A. Prevention of Food Adulteration Act
(Department of Health, Ministry of Health and Family Welfare)**

Joint Secretary (PFA)
Department of Health
Ministry of Health & Family Welfare
Nirman Bhawan
Maulana Azad Road
New Delhi, 110 - 001
Phone: (91-11) 23061447
Fax: (91-11) 23061447
E-mail: debasish.panda@nic.in
Website: www.mohfw.nic.in/pfa.htm

**B. The Standards Weights and Measures Act
(Department of Consumer Affairs, Ministry of Consumer Affairs, Food, and Public Distribution)**

Additional Secretary,
Department of Consumer Affairs,
Krishi Bhavan, New Delhi
Phone: (91-11) 23383027
Fax: (91-11) 23386575
Website: <http://fcamin.nic.in/index.asp>

**C. Phytosanitary issues
(Department of Agriculture and Cooperation, Ministry of Agriculture)**

Joint Secretary - Plant Protection & Quarantine
Department of Agriculture and Cooperation
Ministry of Agriculture
Krishi Bhawan
New Delhi - 110 001
Phone: (91-11) 23070306
Fax: (91-11) 23070306
E-mail: pankajkumar@nic.in
Website: www.plantquarantineindia.org

**D. Livestock and Products Imports
(Department of Animal Husbandry & Dairying, Ministry of Agriculture)**

Joint Secretary (Administration)
Department of Animal Husbandry & Dairying
Ministry of Agriculture
Krishi Bhavan
New Delhi - 110 001
Phone: (91-11) 23387804
Fax: (91-11) 23386115
E-mail: jsadd@nic.in
Website: <http://dahd.nic.in/>

E. Foreign Trade Notifications

(Department of Commerce, Ministry of Commerce & Industries)

Director General of Foreign Trade
Ministry of Commerce
Udyog Bhavan
New Delhi - 110 011
Phone: (91-11)23062777
Fax: (91-11)23061613
E-mail: dgft@nic.in
Website: <http://dgft.delhi.nic.in/>

**F. The Fruit Products Order; Meat Food Products Order; Milk & Milk Products Order
(Ministry of Food Processing Industries)**

Joint Secretary
Ministry of Food Processing Industries
Panch Sheel Bhawan
August Kranti Marg
New Delhi – 110 049
Phone: (91-11) 26492475
Fax: (91-11) 26493228
E-mail: ajitji@nic.in
Website: <http://mofpi.nic.in/>

**G. Registry of Trademarks
(Department of Commerce, Ministry of Commerce and Industries)**

Controller General of Patents, Designs & Trade Marks & Geographical Indication
Registry
Bhouthik Sampada Bhavan
S.M. Road, Antop Hill
Mumbai – 400 037
Phone: (91-22)24144525/24132735
Fax: (91-22)24132735
E-mail: Mumbai-patent@nic.in
Website: www.ipindia.nic.in

**H. Central Board of Excise & Customs
(Ministry of Finance)**

Chairman
Central Board of Excise & Customs
Ministry of Finance
North Block
New Delhi – 110 001
Phone: (91-11) 23092849
Fax: (91-11) 23092890
E-mail: chairman@cbec.gov.in
Website: <http://www.cbec.gov.in/>

I. Food Safety & Standards Authority
(Department of Health, Ministry of Health & Family Welfare)

Chief Executive Officer
CEO
Food Safety & Standards Authority
Room No. 145, A Wing
Nirman Bhawan
New Delhi – 110 011
Phone/Fax: 23061066/23063793

J. Pesticide Registration
(Department of Agriculture and Cooperation, Ministry of Agriculture)

Secretary
Central Insecticides Board & Registration Committee
C.G.O. Complex
N.H. IV
Faridabad – 121001
Haryana
Phone: (91-129) 2413002
E-mail: cibsecy@nic.in

K. Genetic Engineering Approval Committee (GEAC)
(Ministry of Environment & Forests)

Chairman, GEAC
Ministry of Environment and Forests
Paryavaran Bhawan
CGO Complex, Lodi Road
New Delhi – 110 003
Phone/Fax: (91-11) 24363967, 24361308
Email: parsheera-mef@nic.in

APPENDIX II. OTHER IMPORT SPECIALIST CONTACTS**A. Director**

Confederation of Indian Food Trade & Industry
Federation of Indian Chambers of Commerce & Industry
Federation House
Tansen Marg
New Delhi – 110 001
Phone: (91-11) 23311920
Fax: (91-11) 23311920
E-mail: sameer@ficci.com

- B. Senior Technical Advisor**
Confederation of Indian Industry
The Mantosh Sondhi Center
23, Institutional Area
Lodhi Road
New Delhi – 110 003
Phone: (91-11) 2463 3461
Fax: (91-11) 2462 6149
E-mail: d.s.chadha@ciionline.org

APPENDIX III: LIST OF APPROVED FOOD ADDITIVES

This is not an exhaustive list, for details see Prevention of Food Adulteration Act and Rules and any subsequent notifications.

I. Coloring Matter**A. Natural Coloring Matters**

1. Beta-carotene
2. Beta-apo-8'-carotenal
3. Methyl ester of Beta-apo-8' carotenoic acid
4. Ethyl ester of Beta-apo-8' carotenoic acid
5. Canthaxanthin
6. Chlorophyll
7. Riboflavin/Lactoflavin
8. Caramel
9. Annatto
10. Saffron
11. Curcumin (or Turmeric)

B. Synthetic Coloring Matters

1. Ponceau 4R
2. Carmoisine
3. Erythrosine
4. Tartrazine
5. Sunset Yellow FCF
6. Indigo Carmine
7. Brilliant Blue FCF
8. Fast Green FCF

Note: The maximum limit of permitted synthetic coloring matters is 100 parts per million.

For details on uses and other terms and conditions relating to coloring matter, please see Part VI of the PFA Rules updated, on October 1, 2004, (www.mohfw.nic.in/pfa%20acts%20and%20rules.pdf), and any subsequent notifications.

II. Preservatives**A. Class I Preservatives**

1. Common Salt
2. Sugar
3. Dextrose
4. Glucose (Syrup)
5. Spices
6. Vinegar or Acetic Acid
7. Honey
8. Edible oils

B. Class II Preservatives

1. Benzoic acid including salts thereof
2. Sulphurous acid and salts thereof
3. Nitrates of Sodium or Potassium
4. Sorbic acid and its sodium, potassium and calcium salts
5. Nisin
6. Sodium and calcium propionate
7. Methyl or propyl Parahydroxy Benzoate
8. Propionic acid, including esters or salts thereof

9. Sodium diacetate
10. Sodium, potassium and calcium salts of lactic acid

The maximum allowable limit for class II preservatives varies with the type of food in which it is used. There is no maximum allowable limit in the use of class I preservatives.

For details on the specific use and other terms and conditions relating to preservatives, please see Part X of the PFA Rules, updated on October 1, 2004, (www.mohfw.nic.in/pfa%20acts%20and%20rules.pdf), and any subsequent notifications.

- | | |
|----------------------|---|
| III. Poisonous Metal | <ol style="list-style-type: none"> 1. Lead 2. Copper 3. Tin 4. Zinc 5. Cadmium 6. Arsenic 7. Mercury 8. Methyl mercury 9. Chromium |
|----------------------|---|

Tolerance limits for poisonous metals vary with the food in which they appear.

For details on the specific use and other terms and conditions relating to poisonous metals, please see Part XI of the PFA Rules, updated on October 1, 2004, (www.mohfw.nic.in/pfa%20acts%20and%20rules.pdf), and any subsequent notifications.

IV. Anti-oxidants, Emulsifying, Stabilizing, and Anti-Caking Agents

- | | |
|------------------|---|
| A. Anti-Oxidants | <ol style="list-style-type: none"> 1. Lecithin 2. Ascorbic acid 3. Tocopherol 4. Ethyl gallate 5. Propyl gallate 6. Octyl gallate 7. Dodecyl gallate 8. Ascrobyl palmitate 9. Butylated hydroxyanisole (BHA) 10. Citric acid 11. Tartaric acid 12. Gallic acid 13. Resin Guaiac 14. Tertiary Butyl Hydro Quinone (TBHQ) |
|------------------|---|

B. Emulsifying and stabilizing agents

Permitted emulsifying and stabilizing agents include:

Agar, alginic acid, calcium and sodium alginates carrageen, edible gums (such as guar, karaya arabic, carobean, furcellaran, tragacanth, gum ghatti), dextrin, sorbitol, pectin, sodium and calcium pectate, sodium citrate, sodium phosphates, sodium tartrate, calcium lactate, lecithin, albumen, gelatin quillaia, modified starches, hydrolysed, proteins, monoglycerides or diglycerides of fatty acids, synthetic lecithin, propyleneglycol stearate, propyleneglycol alginate, methyl ethyl cellulose, methyl cellulose, sodium carboxymethyl cellulose, stearyl tartaric acid, esters of monoglycerides and diglycerides of fatty acids,

monosterin sodium sulphoacetate, sorbitan esters of fatty acids or in combination, polyoxy-ethylene sorbiton monostenrate, sodium stearyl-2-lactylate and calcium stearyl-2 lactylate, Polyglycerol Esters of fatty acids and polyglycerol Ester of interesterified Ricinoleic acid, and brominated vegetable oil, Glycerol esters of wood resins (Ester Gum).

For details on the specific use and other terms and conditions relating to anti-oxidants, emulsifying, stabilizing, and anti caking agents, please see Part XII of the PFA Rules updated on October 1, 2004, (www.mohfw.nic.in/pfa%20acts%20and%20rules.pdf), and any subsequent notifications.

V. Flavoring Agents and related substances

All flavoring agents other than the following may be used in food

1. Coumarin and dihydrocoumarin
2. Tonkabean (Diptery adorat); and
3. B-asarone and cinamyl anthracilate
4. Estragole
5. Ethyl Methyl Ketone
6. Ethyl-3-Phenylglycidate
7. Eugenyl methyl ether
8. Methyl Beta naphthyl Ketone
9. P. Propylanisole
10. Saffrole and Isosaffrole
11. Thujone and Isothujone alpha and beta thujone

For details on the specific use and other terms and conditions relating to flavoring agents and substances, please see Part XIII of the PFA Rules updated on October 1, 2004, (www.mohfw.nic.in/pfa%20acts%20and%20rules.pdf), and any subsequent notifications.

VI. Sequestering and buffering agents

The following sequestering and buffering agents are allowed, subject to limits prescribed in the PFA rules.

1. Acetic acid
2. Adlipic acid
3. Calcium gluconate
4. Calcium carbonate
5. Calcium oxide
6. Citric acid
7. Malic acid
8. DL Lactic acid (food grade)
 - a) L (+) Lactic acid (food grade)
9. Phosporic acid
10. Polyphosphate containing less than 6 phosphate mouties
11. L (+) Tartaric acid
12. Calcium Disodium, Ethylene, diamine tetra acelate
9. Fumeric acid.

For details on specific use and other terms and conditions relating to sequestering and buffering agents, please see Part XVI of the PFA Rules updated on October 1, 2004, (www.mohfw.nic.in/pfa%20acts%20and%20rules.pdf), and any subsequent notifications.

VII. Artificial Sweeteners

The following artificial sweeteners may be used in selected food articles, subject to limits prescribed in the PFA rules.

1. Saccharin Sodium
2. Aspartame (methylester)
3. Acesulfame Potassium
4. Sucralose

For details on specific use and other terms and conditions relating to artificial sweeteners, please see Part VIII (Section 47) of the PFA Rules updated on October 1, 2004, (www.mohfw.nic.in/pfa%20acts%20and%20rules.pdf), and any subsequent notifications.

APPENDIX IV: COMMODITY-SPECIFIC FAIRS REPORTS SUBMITTED SINCE LAST FAIRS COUNTRY REPORT

Report No. and Date	Topic
IN8079 07/22/08	Proposed amendment to the PFA rule relating to Pesticide Tolerance Limits
IN8070 06/30/08	GOI publishes final import protocol for SPF eggs.
IN8057 05/23/08	Proposed amendment to PFA rule to labeling of pre-packaged food.
IN8053 05/16/08	Proposed amendment to Plant Quarantine Order with provisions for imports of apples and specified planting materials.
IN8050 05/13/08	GOI releases the final protocol for pet food.
IN8043 04/30/08	GOI Standards of Weights & Measures 1 st Amendment Rules, 2006, implementation.
IN8040 04/22/08	GOI again defers the implementation on labeling of pre-packaged food.
IN8033 04/10/08	GOI restricts imports of additional livestock item.
IN8032 04/08/08	GOI proposes amendment to PFA Rules regarding standards for milk and milk products.
IN8023 03/11/08	GOI reinstates GEAC approval for processed food derived from LMO.
IN8019 03/05/08	GOI amends PFA Rules pertaining to wax coating of fresh fruits.
IN8010 02/07/08	Government extends ban in imports of livestock products due to AI.
IN8007 01/22/08	GOI further postpones implementation of the PFA Rules on waxing of fresh fruits.
IN8003 01/08/08	Proposed amendments to Plant Quarantine Order with provisions for import of barley for malting.
IN8001 01/03/08	GOI proposes amendments to PFA Rules pertaining to artificial sweeteners.
IN7089 09/18/07	GOI exempts processed food derived from LMOs from GEAC approval.
IN7116 12/18/07	GOI proposes amendment to the PFA Rules pertaining to wax coating of fruits.
IN7085 09/11/07	GOI releases final import protocol for bovine semen.
IN7076 08/17/07	GOI defers the full implementation of labeling of pre-packaged food rule.

Any questions regarding Indian food and agricultural import regulations and standards may be directed to the Agricultural Counselor's Office at the US Embassy, New Delhi:

Minister Counselor for Agricultural Affairs
American Embassy, New Delhi
Department of State
Washington, DC 20521-9000
Phone: (91-11) 24198000
Fax: (91-11) 24198530
E-mail: AgNewDelhi@usda.gov